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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/675,274

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Christopher Richard Uhlik

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06/28/2004

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EXAMINER

TSEGAYE, SABA

ART UNIT

PAPER NUMBER

2662

2

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,274

Applicant(s)

UHLIK, CHRISTOPHER RICHARD

Examiner

Saba Tsegaye

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 8, 9, 17, 18, 23, 24, 28, 29, 34, 35, 41 and 42 are rejected under 35 U.S.C. 112,

first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fail to adequately describe a power sequence and a load sequence.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims, 1, 10, 30 and 36, line 9, it is not clear whether “ a broadcast information sequence” refers to the same broadcast information sequence cited in line 4-5.

In claims 19 and 25, line 11, it is not clear whether “ a broadcast information sequence” refers to the same broadcast information sequence cited in line 6-7.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 10-12, 30, 31, 36, 37, 43, 47-50 and 53-55 are rejected under 35

U.S.C. 102(e) as being anticipated by Persson et al. (US 6,647,000).

Regarding claims 1, 10, 30 and 36, Persson discloses a method that transmits a first broadcast message in a broadcast channel at a first specific time within a first assigned slot of a predetermined frame from a first base station of a radio communications system, the first broadcast message including a broadcast information sequence; and transmitting a second broadcast message in the broadcast channel at a second specific time within a second assigned slot of the predetermined frame from a second base station of the radio communications system, the second broadcast message including a broadcast information sequence (column 13, line 60-column 14, line 13). Further, Persson discloses receiving a message from a user terminal having a timing relationship with the predetermined frame (column 16, lines 10-21); and determining the base station to which the message is directed based on the timing relationship (column 11, lines 19-27).

Regarding claims 2, 11, 31 and 37, Persson discloses the method further comprising transmitting broadcast messages in the broadcast channel at further specific times within further

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assigned slots of a predetermined frame from further base stations of the radio communications system, the further broadcast messages including a broadcast information sequence (column 5, lines 66-column 6, lines 2; column 7, lines 5-10).

Regarding claims 3 and 12, Persson discloses the method wherein the predetermined frame is a repeating frame (column 8, lines 21-41).

Regarding claim 43, Persson discloses a broadcast channel in a radio communications system, the channel comprising:

a repeating frame shared by a plurality of base stations, the frame having a plurality of slots, each base station being assigned to a slot (column 7, lines 5-10);

a predetermined timing assigned to each slot, so that each slot of the frame is synchronized at all base stations (column 7, lines 11-20);

a broadcast burst message for each base station, for transmission in the respective assigned slot, the burst message having a broadcast information sequence (column 7, lines 5-10; column 8, line 64-column 9, line 12); and

an uplink request channel having a plurality of slots to allow a user terminal to request a traffic channel, each slot of the uplink request channel having a timing relationship with the slots of the repeating frame so that the timing relationship indicates the base station to which the traffic channel request is directed (column 11, lines 19-48).

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Regarding claim 47, Persson discloses the channel further comprising a frequency hopping sequence (column 5, line 63-column 6, line 2).

Regarding claim 48, Persson discloses a method for accessing a wireless network, comprising:

receiving a plurality of timing sequences on a broadcast channel, each timing sequence being received from a different one of a plurality of base stations (column 8, line 64-column 9, line 12);

determining network timing using the received timing sequences (column 11, lines 8-27);

selecting one from among the plurality of base stations using the received timing sequences (column 5, lines 66-column 6, lines 2; column 11, lines 8-27);

transmitting a message indicating the base station selection, the message having a relationship indicates the base station to which the message is directed (column 16, lines 10-21).

Regarding claim 49, Persson discloses the method wherein the timing sequences are received with at least one frequency and wherein the method further comprises using the received timing sequences to determine a base station selection message frequency based on the frequency of the received timing sequences (column 8, line 64-column 9, line 12).

Regarding claim 50, Persson discloses the method wherein the message is transmitted omnidirectionally (column 5, lines 54-62).

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Regarding claims 53-55, Persson discloses the method further comprising receiving base station identifiers on the broadcast channel, the base station identifiers each being associated with a respective timing sequence and using the base station identifiers to distinguish broadcasts from different base stations on the broadcast channel (column 11, lines 8-18; column 7, lines 5-10).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 19, 20, 25, 26, 56, 57 and 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al.

Regarding claims 19, 25 and 56, Persson discloses all the claim limitations as stated above, except for a machine-readable medium.

Those skilled in the art will appreciate that the physical storage of the sets of instructions physically changes the medium upon which it is stored so that the medium carries machine-readable information.

Therefore, the system of Persson could be modified to use a machine-readable storage medium. At the time the invention was made, it would have been obvious to one ordinary skill in the art to add a machine-readable storage medium into the system of Persson.

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One of ordinary skill in the art would have been motivated to do this because programs can be changed and upgraded and new features are added easily than hardware changes.

Regarding claims 20, 26 and 57, Persson discloses the instruction causing the machine to perform further operations comprising transmitting broadcast messages in the broadcast channel at further specific times within further assigned slots of a predetermined frame from further base stations of the radio communications system, the further broadcast messages including a broadcast information sequence (column 5, lines 66-column 6, lines 2; column 7, lines 5-10).

Regarding claims 59-61, Persson discloses the instruction causing the machine to perform further comprising receiving base station identifiers on the broadcast channel, the base station identifiers each being associated with a respective timing sequence and using the base station identifiers to distinguish broadcasts from different base stations on the broadcast channel (column 11, lines 8-18; column 7, lines 5-10).

9. Claims 4, 5, 13, 14, 21, 32, 38, 45, 46, 51, 52, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. (US 6,647,000) in view of Dunn et al. (US 6,591,103).

Persson discloses all the claim limitations as stated above; except for the specific transmission times are determined based on a common timing reference (a satellite clock transmission) received by each base station.

Dunn teaches that using a shared command channel participating networks (from their local base stations) may broadcast their location, frequency availability and bandwidth price. User devices which wish to make connections and which know their location either through GPS

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or manual entry, or through other means, can determine which base stations are sufficiently close to make a carrier selection and a protocol selections based from the common channel information. Those skilled in the art will appreciate that radio communication systems have unsynchronized base stations, i.e., base stations that do not share a common timing reference signal.

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings from Dunn of a common timing reference in the system of Persson.

One of ordinary skill in the art would have been motivated to do this because using a common timing reference allows the base stations to synchronize.

10. Claims 6, 7, 15, 16, 22, 27, 33, 39, 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. in view of Almgren et al. (US 6,212,384).

Persson discloses all the claim limitations as stated above, except for the broadcast information sequence includes a code (color code) to identify the base station.

Almgren teaches that a base station color code (BCC) identifies a particular base station to distinguish between respective BTSs using the same BCCH frequencies (column 7, line 61- column 8, line 10).

It would have been obvious to one ordinary skill in that art at the time the invention was made to use the teachings from Almgren of adding BCC to the frame in the timeslot disclosed by Persson.

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One of ordinary skill in the art would have been motivated to do this because adding BCC allows the user to accurately identify candidate base stations for which it is making received signal strength measurements.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobylinski et al. (US 6,694,138) discloses a system and method for improved mobile assisted handoff in a digital cellular communication system that gives the mobile station the ability to synchronize to candidate base station transmissions in order to read the transmitted digital voice color code of the candidate station.

Van der Pol (US 6,633,766) discloses a frequency selective RF output power calibration using digital and analog power measurements for use in a cellular telecommunications system.

Yun (US 5,909,471) discloses a method and system for rapid initial control signal detection in a wireless communications system.

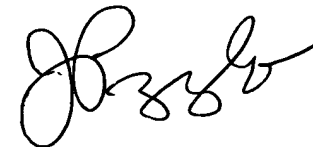
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
June 22, 2004



JOHN PEZZLO
PRIMARY EXAMINER